

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JOHN CARTER,
Plaintiff

v.

UNITED STATES,
Defendant

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File No. 1:06-CV-225

ORDER

The Magistrate Judge's Report and Recommendation was filed July 23, 2007 (Paper 25). After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

This case shall be STAYED until (1) the U.S. Supreme Court issues a decision in Ali v. Federal Bureau of Prisons, No. 06-9130, 2007 WL 278844 (May 29, 2007), and (2) this Court issues a ruling on the government's pending motion to dismiss. The plaintiff's pending motions for summary judgment (Paper 6) and costs (Paper 14) are DENIED without prejudice to refile at a later stage in the case.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 23rd day of August, 2007.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge